

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LINA DOU, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 1:23-CV-04880-JPO
	:	
TD BANK N.A.,	:	
	:	
Defendant.	:	
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**ORDER LIMITING THE USE OF DISCOVERY PRODUCED IN PLAINTIFFS’
NORTHERN DISTRICT OF ILLINOIS ACTION IN THIS ACTION**

Presently before the Court is Defendant TD Bank, N.A.’s (“TD Bank”) Letter Motion to Seal and Seeking Other Relief, dated December 14, 2023, ECF No. 45.

WHEREAS, the above-captioned action currently pending before this Court originates from an action commenced by Plaintiffs on November 28, 2018, in the Northern District of Illinois against TD Bank and other defendants (the “Northern District of Illinois Action”) (*see Yao v. Carillon Tower/Chicago LP et al.*, No. 1:18-CV-07865 (N.D. Ill.));

WHEREAS, on May 14, 2019, Plaintiffs and TD Bank entered into a stipulation to sever and transfer the claims against TD Bank to the Southern District of New York, and the Northern District of Illinois Court subsequently ordered such severance and transfer (*id.*, ECF Nos. 109, 117, 535, 607);

WHEREAS, after TD Bank no longer was a party to the Northern District of Illinois Action, Plaintiffs sought non-party discovery from TD Bank in the Northern District of Illinois Action by serving on TD Bank several non-party subpoenas;

WHEREAS, in response to the non-party subpoenas that Plaintiffs served on TD Bank in the Northern District of Illinois Action, beginning on February 4, 2020 and continuing

through December 26, 2023, TD Bank produced to Plaintiffs documents that TD Bank designated as “Confidential Information” pursuant to the terms of the protective order governing the Northern District of Illinois Action (the “Northern District of Illinois Protective Order”) (*id.*, ECF Nos. 66, 197);

WHEREAS, the Northern District of Illinois Protective Order states that “Confidential Information shall not be used or disclosed by the parties [or] counsel for the parties . . . for any purpose whatsoever other than in this litigation” (*id.*, ECF No. 66 ¶ 5(a)); and

WHEREAS, on December 14, 2023, TD Bank filed the above-referenced letter motion seeking an order from this Court confirming that non-party discovery that TD Bank produced in the Northern District of Illinois Action cannot be used in this above-captioned action; on December 18, 2023, Plaintiffs filed a letter response; on December 19, 2023, TD Bank filed a letter reply; and, on January 5, 2024, the Court heard argument on TD Bank’s motion.

NOW, THEREFORE, upon consideration of the motion letters filed by the parties and all materials filed in connection therewith, the arguments of counsel, and the record herein, it is hereby **ORDERED** that documents that TD Bank has produced, or may in the future produce, in the Northern District of Illinois Action that are designated “Confidential Information” cannot be used in the above-captioned action absent a written agreement between Plaintiffs and TD Bank that permits otherwise—including, for example, a written agreement between Plaintiffs and TD Bank that, for the sake of efficiency, certain specifically-identified documents that TD Bank produced in the Northern District of Illinois Action can be used in this above-captioned action.

Dated: January 17, 2024


J. PAUL OETKEN
United States District Judge